

ORDINANCE NO. 2004-5 Commissioners

**AN ORDINANCE DECLARING CERTAIN CONDITIONS
TO BE PUBLIC NUISANCES AND REQUIRING ABATEMENT**

Section One. The accumulation of litter, trash, and junk on any property is a public nuisance and shall be abated.

Section Two. The owner or occupant of any real estate including vacant lots in Decatur County, outside of incorporated cities and towns, shall maintain such premises to prevent the accumulation of litter, trash and junk, including wastepaper, boxes, rags, glass, cans, bottles, lumber, construction debris, building materials, tires, tree limbs, metal, motors, inoperable unlicensed vehicles, unlicensed trailers, inoperable equipment and machinery, appliances, furniture, plastics, and other such items.

Section Three. The officer designated to enforce this ordinance shall serve notice upon the owner and the occupant of any premises where nuisance conditions exist in violation of this ordinance, requiring that the conditions be corrected within fifteen (15) days. Notice may be delivered personally to an adult owner or occupant or by certified U.S. Mail, addressed to the owner as shown on the tax duplicate or to the owner or occupant at the address of the property.

Section Four. Any person upon whom a notice has been served to abate a nuisance under this ordinance may file a written appeal with the Board of County Commissioners within fifteen (15) days after service of that notice. The Board of Commissioners shall

hear and make a determination on the appeal.

Section Five.

a) If the nuisance conditions on any property have not been abated within the time specified in the notice, the county may abate the nuisance, and the costs thereof, including administrative costs, shall be the responsibility of the owner of the property.

b) Upon completion of the cleanup of any property, the enforcing authority shall send a statement of costs to the owner and occupant by certified U.S. Mail. The notice shall include a statement that the owner is responsible for payment of the costs and shall allow thirty (30) days for payment. Payment shall be made to the address designated on the notice.

c) If the costs of abatement remain unpaid after thirty (30) days, the enforcing authority shall certify that obligation to the county auditor. The certification shall contain a description of the property cleaned up, including tax parcel number, and shall certify the actual cost and expense incurred, including administrative expenses. The enforcing authority shall mail a copy of the certification to the owner as shown by the tax duplicate. The county auditor shall thereupon enter the cost and expense so certified on the tax duplicate, and such cost and expense shall be collected in the same manner as property taxes are now collected and shall remain a lien on the real estate until paid in full.

Section Six. The county acting through the enforcing authority, may in the name of the county, bring an action in court for the recovery of costs incurred by the county in cleaning up certain properties pursuant to this ordinance, or for mandatory and injunctive relief for the enforcement of, and to secure compliance with, any provision of this ordinance, or to bring an action to recover any penalties and costs incurred by the county in cleaning up the property, plus a reasonable attorney fee and court costs.

Section Seven. The board of county commissioners shall designate one or more officials to enforce this ordinance. The commissioners may contract with outside agencies to perform cleanup services or may provide labor and equipment for that work.

Adopted this 17th day of May, 2004.

**BOARD OF COMMISSIONERS
OF DECATUR COUNTY, INDIANA**

Attest:

Janet S. Chadwell, Auditor